

**Applicant:** James A. Proctor, Jr.  
**Application No.:** 09/997,732

**REMARKS/ARGUMENTS**

After the foregoing Amendment, claims 37, 42-43, 48 and 68-69 are currently pending in this application. Claims 38 and 44 are canceled without prejudice. Claims 37, 42-43 and 48 are amended. New claims 70-71 are added.

**Request for Withdrawal of the Finality of the Office Action**

The Applicant respectfully requests that the Examiner withdraw the finality of the Office Action mailed on June 29, 2009. A Request for Continued Examination has been filed concurrently herewith.

**Claim Rejections - 35 USC § 103(a)**

Claims 37, 42, 43, and 48 are rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent 5,708,656 to Noneman et al. (hereinafter Noneman) in view of U.S. Patent 5,828,662 to Jalali et al. (hereinafter Jalali).

Claims 38, 44, 54, and 55 are rejected under 35 USC § 103(a) as being unpatentable over Noneman et al. in view of Jalali et al. and in further view of U.S. Patent 5,101,416 to Fenton et al. (hereinafter Fenton).

Claims 68 and 69 are rejected under 35 USC § 103(a) as being unpatentable over Noneman et al. in view of Jalali et al. and in further view of U.S. Patent 5,619,524 to Ling et al. (hereinafter Ling).

Claim 37 recites a CDMA subscriber unit comprising:

- a wireless transceiver configured to transmit digital signal over a CDMA reverse channel, and the wireless transceiver further configured to receive digital signal over a CDMA forward channel, the CDMA forward channel having a plurality of subchannels with an assigned orthogonal code to each of the plurality of subchannels;

- a bandwidth manager configured to receive a time slot assignment over the CDMA forward channel, wherein the time slot assignment is used for uplink transmissions during an idle mode only;

- the wireless transceiver configured to transmit an idle mode signal over the CDMA reverse channel, the idle mode signal based on the time slot assignment on a condition that the wireless transceiver is powered on but not actively transmitting data to maintain timing alignment; and

- the wireless transceiver is further configured to alternate between sending bits and not sending bits in time slots while in the idle mode.

The Examiner states on page 8 that “Noneman et al. discloses using either IS-95A or other systems using TDMA.” Further on page 3, the Examiner states that “Noneman et al. further discloses a bandwidth manager coupled to the wireless transceiver and configured to receive a time slot assignment from the base station over the CDMA channel.” Applicant submits that Noneman fails to teach or suggest a bandwidth manager configured to receive a time slot assignment over the CDMA forward channel. Noneman instead discloses preconfiguring the device with two operating rates. If the device switches into idle mode, it transmits at a lower rate.

In Noneman, the device never receives a time slot assignment; rather the device transmits based on the two inactivity timers.

Further, the Examiner states on page 5 of the Office Action that “Jalali et al., in the field of communications discloses assigning time slots for the transmission of an idle mode signal that alternates between sending bits and not sending bits in time slots...the time slot assignment being used for uplink transmissions during an idle mode only.”

Jalali teaches a method and an apparatus for transmitting a synchronization message on an uplink channel at the beginning of the on-period which reduces the number of receivers at the base station and avoids the need to identifying the mobile terminal transmitting the synchronization message. Jalali utilizes synchronization channel time slots, which are not idle mode channels. Accordingly, Jalali does not teach or suggest the “wireless transceiver is further configured to alternate between sending bits and not sending bits in time slots while in the idle mode.”

The examiner states on page 8 of the Office Action that “Jalali et al. discloses a CDMA system using assigned time slots to communicate data (See the abstract of Jalali et al.). In any wireless communication system...a wireless transceiver inherently much include “a bandwidth manager configured to receive a time slot assignment over the CDMA forward channel, wherein the time slot assignment is

used for uplink transmissions during an idle mode only”, as claimed, in order to determine if and when a time slot has been assigned for wireless communication.”

The abstract of Jalali states:

A synchronous discontinuous transmission medium access control (SDTX-MAC) method and apparatus for more efficiently using existing uplink channels by sharing these uplink channels between multiple terminals engaged in bursty data transmission. This is accomplished by assigning each mobile terminal an individual time slot and by not requiring each mobile terminal to broadcast its identity. This results in a reduction in the number of receivers on each base station and a reduction in the length of the synchronization message.

Nowhere in Jalali is it stated that a wireless transceiver includes a bandwidth manager configured to receive a time slot assignment over the CDMA forward channel to determine if and when a time slot has been assigned for wireless communication, as asserted by the Examiner. The limitation, asserted as inherently disclosed in Jalali by the Examiner, is not necessarily inherently present in Jalali.

The Examiner further state on page 9 of the Office Action that “Jalali et al. discloses assigning a time slot of SSR...Thus, since the assigned SSR time slot is only used when a traffic channel has not been assigned, which inherently means that the mobile terminal is in an idle mode, the assigned SSR time slot of Jalali et al. “defines timeslots to be used only during an idle mode,” as claimed.” The Applicant respectfully disagrees.

The pending claims recite transmitting an idle mode signal (*“on a condition that the wireless transceiver is powered on but not actively transmitting data”*). Jalali also does not teach, disclose, or suggest the limitations recited in claim 37, in part, “the CDMA forward channel having a plurality of subchannels with an assigned orthogonal code to each of the plurality of subchannels; the wireless transceiver configured to transmit an idle mode signal over the CDMA reverse channel.” Therefore, Jalali does not teach, disclose, or suggest the cited limitation as seen in claim 37.

The cited references of Fenton and Ling do not correct the deficiencies of Noneman and Jalali. Accordingly, claims 27 and 43 are patentable over Noneman, Jalali, Fenton, and Ling, whether taken alone or in any combinations with one another.

Claims 38 and 44 have been canceled, and rejection made to these claims is now moot.

Claims 42, 48, and 68-71 are dependent directly upon claims 37 and 43, and are therefore patentable over the cited references of record for at least the same reasons as patentable independent claims 37 and 43.

Based on the arguments presented above, withdrawal of the 35 USC § 103(a) rejection of claims 37-38, 42-44, 48, and 68-69 is respectfully requested.

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**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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